

REMARKS

Claims 1-17 are all the claims pending in the application.

Formal matter

As a preliminary matter, Applicant notes that the Examiner has not acknowledged the claim to foreign priority and the receipt of the certified copy of the priority document. Also, the Examiner has not indicated if the drawings filed on November 18, 2003 have been accepted.

Therefore, Applicant respectfully requests the Examiner to mark the appropriate boxes in the next Office Action.

Claim objections

The Office Action summary sheet indicates the claims 2, 4, 6 and 8-17 are objected. However, the detailed action does not provide any reasons for the objection. In a telephone interview conducted on March 6, 2008, the Examiner stated that claims 2, 4, 6 and 8-17 were objected to because they depend from rejected claims and would be allowable if these claims were rewritten into independent form including all the limitations of the independent claim and any intervening claim. Applicant holds in abeyance of any such rewriting of the claims until the Examiner has had an opportunity to reconsider Applicant's response presented below.

Claim rejections

Claims 1, 3 and 5 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Foote (U.S. Patent No. 7,260,258). Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Foote in view of Masatake (JP 2002-057860). Applicant traverses the rejection for at least the following reasons.

Applicant submits that Foote's U.S. filing date of June 12, 2003, is after the November 19, 2002 priority date (filing date of priority document JP 2002-335204) of the present application. Therefore, Applicant traverses the rejection of claim 1, 3, 5 and 7 by perfecting priority in the instant application by submitting herewith this response an English translation of the foreign priority document, Japanese Patent Application No. 2002-335204, together with a verification that the translation is accurate. *See*, MPEP § 201.15.

In view of the above, Applicant submits that Foote is not prior art, and therefore claims 1, 3, 5 and 7 are allowable over the cited reference.

Conclusion

In view of the above, reconsideration and immediate allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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